



File No. O. J. P. (E. P.)
48 Pt. II
Legal DEPARTMENT
A BRANCH

~~AT~~
8/6 Subject:—

P-40 Opinions under the
L Indian Press (Emergency
Powers) Act, 1931.

(For previous papers pl. see Part I)

File No. O. J. P. (E. P.) / 48 Pt. II
Std. Sect. Slip 24 B a.

103-A

Legal Department File No. O.I.P.(U...)/48 Pt. II

S.R.No.	R.I./O.No.	Subject.	Pages.
1.	<u>O.N. 8542</u> <u>12-7-48.</u>	The Indian Press (Emergency Powers) Act, 1931. Sec.4(1) --Article Publishing sensational news; whether it would be actionable under the -	1
2.	<u>O.N. 7511</u> <u>9-8-48.</u>	Sec.4(1) -- Article in the issue of 'Prated' dt.18-7-48 - Whether the article re-administration of Chhapur State is actionable.	3
3.	<u>O.N. 7614</u> <u>11-8-48.</u>	Sec.4 (1)(d) --Article in the issue of 'Vidyarthi' dt. 28-7-48--whether the article is act onable.	5
4.	<u>O.N. 7655</u> <u>12-8-48.</u>	Sec.4(1)--Article in the issue of 'Prated' dt.11-7-48- Whether the article is actionable.	7
5.	<u>O.N. 7685</u> <u>12-8-48.</u>	Sec.4 (1) -- rticle in the issue of 'Jandosh' dt.4-7-48. - whether it is actionable.	11 - 12
6.	<u>O.N. 7884</u> <u>18-8-48.</u>	Sec. 4(1)-Article in the issue of 'Rashtra Vard' dt.10-7-48 Whether it is actionable.	15 - 19
7.	<u>O.N. 843-Conf1</u> <u>12-8-48.</u>	Sec. 19-- Document entitled "Likhantri" whether the article is a breach of the order under the --	21 - 23
8.	<u>O.N. 8578</u> <u>10-9-48.</u>	Sec. 4(1) (a) --Article published in the issue of 'New Spark' dt.31-7-48--whether it is actionable.	25
9.	<u>O.N. 9033</u> <u>23-9-48.</u>	Sec.4(1) (h) --Article published in 'Prated' dt. 15-8-48 --whether the article comes within the purview of the --	27
10.	(41/48) <u>O.No. 7894</u> <u>18-8-48.</u>	Opinion of the Advocate General Sec. 4(1)--	29 - 31
11.	<u>O.N. 9853</u> <u>18-10-48</u>	Sec.4(1)(h) Article in the issue of 'Elite' dt.14/9/48. Whether action against the newspaper can be taken.	33
12.	<u>O.N. 10203</u> <u>19-10-48.</u>	Sec.4(i) --Article published in issue of 'Anglo Italiano' dt.18-9-48--whether the article tends to bring hatred or contempt the Government.	35 - 37
13.	<u>O.N. 841 -Conf1</u> <u>20-11-48.</u>	4(1)(b) --The pamphlet "Telangana- hya Lok rajyant" published by the communist party. Whether the pamphlet falls within the scope of the above section.	39-41

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Office of the R.L.A.

The article merely intends to stimulate curiosity of the public to know the sensational news in possession of the editor. No doubt the suggestion is made that the news is such that eventually it will call for an explanation from the Hon'ble the Premier and the Hon'ble the Minister for Home. From that suggestion alone it is not possible to hold that the article would become actionable under any of the provisions of section 4(1) of the Indian Press (Emergency Powers) Act, 1931.

2. However, the article goes on to say that the letter refers to the Godse trial. The insinuation, therefore, is that the conduct of the Ministers which will require an explanation is ⁱⁿ ~~is~~ connection with that trial. As that trial is going on in a Court of law, it may be worth our while to bring this to the notice of the Judge presiding over that trial for such action as he deems necessary.

Sd/ P.M. Ltd.

Remembrancer of Legal Affairs.

U.R. to H.D. No.5542, dated the 12th July 1948.

S.K.M.1/6/58

Office of the R.L.A.

Article headed
"Chasmewala" in the
issue of
Pratod, dated
18-7-48.

Clause (j) of
Sec.4(1) of the
Indian Press
(Emergency Powers)
Act, 1931.

The question raised for the consideration of the Remembrancer of Legal Affairs is whether article under the heading "Chasmewala" in the issue of Pratod dated the 18th July 1948, regarding the administration of Kolhapur State is actionable.

2. The article contains criticism of the Kolhapur administration. It is stated:

"Seeing the present orgy of arrests in Kolhapur the frightened Marathas might be thinking: 'It would have been better if we were the subjects of Rajkot instead of being the subjects of the Chhatrapati.' Perhaps the satanic rule in Kolhapur has been started with the object of forcing the Marathas to say this. Such a tragic calamity had never overtaken the Marathas in the past. Who is there who will hold our Government responsible for the legal outrages which are being committed against the innumerable simple-minded Marathas of Kolhapur? ----The legal outrages which are being committed against the Marathas in Karvir, though perhaps lawful under the Penal Code, are inhuman, ungrateful and extremely vindictive."

Read as a whole, article tends to bring the administration in Kolhapur into hatred or contempt in that it is described as Satanic, guilty of inhuman un-grateful and ^{Vin} vindictive outrages on the poor simple-minded Maratha subjects. Kolhapur being an acceding State, it appears that the article would come within the ambit of clause (j) of section 4(1) of the Indian Press (Emergency Powers) Act, 1931.

Sd/- R.T. K.

For Remembrancer of Legal Affairs.

U.R. to H.D. (Poll), No.7511, dated the 9-8-1948.

E.K.N. 1/6/56

Office of the R.L.A.

Article in the
issue of "vidyarthi"
dated 25-7-48.

Clause (d) of
section 4(1)
of the Indian
Press (Emergency
Powers) Act, 1931.

The question raised for R.L.A.'s consideration is whether the article appearing in the issue of Vidyarthi under the heading "Freedom to Gag, Freedom to Blackmail and Freedom to Murder" is actionable.

The article contains criticism of certain measures adopted by Government in the interest of public safety. But the article is not confined to such bare criticism. It is alleged that the Congress which stood for freedom of speech and press did not, after assumption of office, hesitate to sacrifice its principles and commence a ruthless attack on the press. Although the article starts by referring to the Congress, the attack is not against the political party as such, but against the present Government. The article alleges that social and political organisations which did not see eye to eye with Congress policy are ruthlessly banned. After quoting the instance of the arrest of an ailing person who had not left his bed for six years who died in jail within 5 days, the article goes on to state:

"Police officials under the orders of higher authorities themselves kidnapped the women folk and committed the vilest atrocities on them to harass the Kisans. Reason - The villages were fed up with the shallow speeches without any constructive foundation and were up in revolt."

The article ends with saying that Government's policy to gag has failed.

Read as whole the general tendency of the article is to assert that Government has abused its powers. Further the criticism of the police as kidnapping women and committing the atrocities tend directly or indirectly to bring Government into hatred or contempt (see Zamindar, "Newspaper Lahore, 35 Cr.L.J. 986). Consequently the article would come within clause (d) of section 4(1) of the Indian Press (Emergency Powers) Act, 1931.

Sd/
Additional Secretary to Government.

Office of the H.L.A.

The question raised for the consideration of the H.L.A. is whether the leading article in the issue of the Pratod dated 11-7-1948 under the caption "Congratulations to the Government of Bombay" is actionable under the Indian Press (Emergency Powers) Act, 1931, or under any other provisions of the law.

The burden of the article is to draw a comparison between persons engaged in communal rioting and stabbings and persons engaged in the practice of black-marketting. Its argument is that the latter are more deadly enemies of society and deserve punishment more deterrent than that which the Government of Bombay recently proposed to award to rioters. The article is an appeal to Government to adopt stringent measures of swift and summary justice in the case of persons found guilty of blackmarketing, even to the extent of imposing the death penalty and of "giving practical encouragement to those who punish blackmarketeers on the spot even by taking the law into their own hands." Only then, it is said, would Government receive congratulations from all quarters.

Although the article is strongly worded, when it is read as a whole in a free fair and liberal spirit making due allowance for picturesque journalism, the impression it creates on an ordinary reader is that of an exhortation to Government ~~xxxx~~ to make out swift and extreme punishment for the offence of blackmarketing which is described as a menace more dangerous than communal rioting. The article is careful to emphasize that the death penalty must be awarded in a "legal" manner. It incites not so much the public to take the law into their own hands but appeals to Government to encourage those who do so, as it proposed to do in the case of ~~xxxx~~ in plain clothes who had instructions to.....

to hoot rioters on the spot.

That being the drift of the article, it is difficult to attribute to it a tendency to incite to or encourage the commission of any offence of murder or any cognizable offence involving violence as required by clause (a) or the tendency to encourage or incite to interfere with the administration of the law or as required by clause (f) of section 4(1) of the Indian Press (Emergency Powers) Act, 1931, to which clauses alone it can possibly be referred.

For the same reasons, the article would not be actionable under section 117 of the Indian Penal Code or under section 505 I.P.C. which would not even otherwise seem applicable.

Sd/- P.N. Lad.

Remembrancer of Legal Affairs.

E.K.N.1/6/56

U.R. to H.D.(Poll). No. 7635, dated the 12th August '46

Office of the R.L.A.

The R.L.A.'s advice is sought on the question whether the leading article under the caption "Muslims in the (Indian) Union" in the issue of the Sandesh dated 4-7-1948 is actionable under section 4(1) (b) of the Indian Press (Emergency Powers) Act, 1931. The article opens by pointing out that Muslims practically took no part in the struggle for independence and have nevertheless reaped the maximum benefit by minimum effort. The history of events leading to the partition and the creation of Pakistan is then set out with a view to show how the hopes entertained by the Congress that the acceptance of the democratic principle of self determination would solve the problem have been foiled. The complaint is next made that the Muslim League in the Indian Union is still pursuing its former political policy and that the Muslim masses show greater devotion to league politics than to their loyalty to the Indian Union. Muslims are coming forward to help Qasim Rizavi, and are engaged in secret activities in support of the Nizam. Muslims have not the faintest notion that they would be destroying democracy by acting as fifth-columnists and spies for Pakistan and the Nizam. The article ends by inviting Muslims who owe loyalty to Pakistan to migrate to that Dominion and by exhorting those who do not migrate to be honest and loyal citizens of the Indian Union. Muslims must realise the danger of a policy of treachery and must not succumb to Pan-Islamic ideas. Their happiness lies in serving the cause of a secular democracy.

The article contains a well-reasoned argument presented in sober language. Its purpose is to explain to the Muslims in India the necessity of developing the loyalty of a honest citizen. It is difficult to spell out of the article any malicious intention. Under explanation 4 to section 4(1) words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or ^{we} have a tendency to produce feelings

of enmity or hatred between different classes of His Majesty's subjects shall not be deemed to be words of the nature described in clause (h) of this sub-section". Read as a whole therefore the articles would be protected by this explanation and would not be actionable.

Sd/- P.H. Mad.

Remembrancer of Legal Affairs.

U.R. to H.D.(Poll).No. 7665 dated the 12th Aug.1948.

B.K.N.1/6/56

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Office of the R.L.A.

The question raised for the consideration of the R.L.A. is whether the article under the caption "Revolution without bloodshed or the autocratic rule of 'Jehru-Patel Government' appearing in the issue of "Rashtra Veer" dated 16th July 1948 is actionable.

2. The main theme of the article is to controvert the claim made by the Ministry of States in its White Paper that it has brought about a revolution in the affairs of Indian States without bloodshed. After pointing out that the problem of many Indian States is still left unsettled, the article goes on to say that the question of merger should not have been justified while the issue in Kashmir was not yet decided. The article then accuses the Government of having broken the standstill agreement which they had made with the States for a period of two years. In that connection it is said that this conduct of the Government of India is dishonest, immoral and lacking in diplomacy, and that they will have to atone for it some day; for, the policy they have followed is in the last analysis nothelpful to democracy. The motive of the Government of India, the Princes and the people's leaders in bringing about the merger is not quite honest. On the other hand, it was apprehended that the formation of unions or the establishment of responsible self-government in the States would result in the transfer of power to the masses which would have jeopardised the importance of the classes. For that reason the Government of India instigated the move for merger and the paid servants and local followers of Sardar Patel supported that move. The selfish civil servants in the States also blessed it in consideration

7 the increase in their dearness allowance. The article then gives a quotation from "Kasari" to show how the administration of the merged states is still in confusion and says that it is the masses who suffer by such maladministration. Finally, the claim made in the white paper that the revolution was without bloodshed is refuted by quoting the instances of Savantwadi and Akalkot where it is said that for the sake of merger atrocities were committed on the Princes and on the people and that bloodshed and arson also took place, and it transpired that this received the secret support of Government of India.

3. The article is a criticism of the policy of merger adopted by the Government of India particularly in respect of the Deccan States. Most of it would be saved by Explanations 2 and 3 to section 4(1) of the Indian Press (Emergency Powers) Act, 1931. However, there are a few passages which are open to objection. The criticism that the motive behind this move was to preserve the power of the classes and to prevent its transfer to the masses would not by itself be actionable. But to say that the Government was inspired in this policy by the hatred of the masses is to attribute to the Government something more than indifference to the welfare of the masses which itself has been held sufficient for the purpose of inciting contempt or hatred. The passage wherein it is stated that it transpired that the Government of India secretly supported atrocities, bloodshed and arson in State like Savantwadi and Akalkot with a view to promoting merger goes still further and appears more objectionable. To accuse the Central Government of complicity in bloodshed and arson would ordinarily incite the feelings of hatred or contempt towards the Government.

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4. However, it is an established rule that articles of this kind must be read as a whole in a free fair and liberal spirit, and that too much emphasis must not be laid upon isolated passages or stray sentences, however highly coloured they may be. Similarly, due allowance is usually made for the exaggerated language of popular journalism. When the article is read as a whole it seems doubtful whether it would be condemned unequivocally as having a tendency (as required by section 4(1) (d) of the I.P.(E...) Act) to incite hatred or contempt against Government or whether it may not be admitted to the benefit of explanation 3 to that section which permits comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection towards Government.

5. If therefore action is contemplated I would advise that we should fortify ourselves with the opinion of the Advocate General.

Sd/- P. R. Lad.

Remembrancer of Legal Affairs.

U.R. to H.D. No. 7894, dated the 18th August 1948.

B.K.N.2/6/56

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Office of the R.L.A.

In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931, Government declared by their notification No.5118/5-Poll. Dated 22nd June 1948 all copies wherever found of the play in Marathi entitled "Lokmantri" and all other documents containing copies, reprints, translations of, or extracts from, the said play, ~~xxxxxxxx~~ to be forfeited to His Majesty on the ground that it appeared to the Government that the said play contained words of the ~~nature~~ ^{nature} described in clause (d) of section 4(1) of the said Act. In the issue of the "Peoples Age" dated 18-7-1948 there appeared an article under the caption "Marathi play voicing people's discontent banned by Bombay Ministry" in which the substance of the play was given in brief for the purpose of explaining why it came to be banned. The question referred to the R.L.A. for advice is whether this article is a breach of the order under section 19 quoted above.

2. The relevant portion of section 19 is as follows.

"Where any book or other document wherever made appears to the Provincial Government to contain any words etc. of the nature described in section 4, sub-section (1), the provincial Government may by notification in the Official Gazette stating the grounds of its opinion declare every copy of such book or other document to be forfeited to His Majesty."

Neither this section nor even the provisions of section 93A of the Code of Criminal Procedure in terms extend to translations or extracts from the offending book or document. Apart from that, the article cannot be said to contain translations or extracts. The following is the only material

portion.....

portion of the articles:

"For, this play, written by a worker-poet and play-writer, is one of the most powerful indictments of the Bombay Ministry's anti-working class and pro-big business policies that have been made in any form.

In an stinging satirical manner it slashes a Minister who refuses arbitration to workers because he is invariably action in the interest of the millowners and yet sings praises of arbitration; who introduced decontrol leading to starvation and cloth scarcity in town and village; who goes on piling paper plans after paper plans to solve the housing shortage and never implements them; and above all, who tries to smash the workers by jailing their leaders.

The play grips the audience to the end, when the workers declare a general strike and backed by peasants and students force the Minister to resign."

A translation in the commonsense of the word signifies a version out of one language into another. Although a translation may extend to an expression of the samethought in other words of a different language and need not necessarily be confined to a literal transference from one language into another, it would nevertheless be impossible to say that this passage is a translation of the play; nor does the article give any extracts from the play. The article is intended more for the purpose of criticising the action taken banning the play, and it is for that purpose that a very short summary of the argument of the play is given.

2. In my opinion, therefore, the article would not be liable to the action of forfeiture provided for by section 19 of the Indian Press (Emergency Powers) Act.

Sd/- P. L. Lad.

Remembrancer of Legal Affairs.

U.R. to H.D. (Poll No. 443-Confidential dated the 12th Aug.

S.R.N. 2/6/66

1948.

Office of the R.L.A.

Article published in
the issue of "New
Spark" d/-31-7-48.

Cl.(a) of sec.4(1)
of the Indian Press
(E.P.) Act.

The question raised for R.L.A.'s consideration is whether the editorial published in the issue of "New Spark" dated 31st July 1948 under the heading "9th August 1948" is actionable.

In this article an attempt has been made to show that 9th August 1948 on which day mass movement for the freedom of India was announced has been clean ~~spark~~ forgotten by the Congress Bourgeoisie, and that they do not appear to be in a mood ^ecelebrate that day because they are afraid that the masses would catch the contagion of violence and turn against them. It is admitted in the article that the struggle started on the 9th August 1948 was a struggle of the exploited and exploiters and such revolutionary methods including the employment of violence are capable of achieving the aims of the mass movement. The article ends with a warning to the Congress bourgeoisie that like the regime before it they will have to face another 9th August of that this time the masses fortified by their own experience of 1948 will in one majestic sweep rid themselves of all their exploiters and oppressors. This being merely in the nature of a warning cannot be construed as an incitement to mass violence. There is no indirect suggestion even of such incitement. Consequently, this article, though objectionable, is not actionable under clause (a) of section 4(1) of the Indian Press (Emergency Powers) Act.

Sd/- P.M.Lad.
Remembrancer of Legal Affairs.

B.K. N.2/6/56

J.R. to H.D. (Polity), No.8578 dated the 10th Sep.'48.

Office of the R.L.A.

Article published.

in "Pratod" dated
15-9-1948.
Section 153-A
of Indian Penal
Code & Clause
(h) of section
4(1) of the
Indian Press
(Emergency Powers)
Act.

The article bewails in rather loud tones the economic plight of Maharashtra and says that Maharashtra is now suffering economic bondage. At one place, it is stated that outsiders are growing fat on the substance of Maharashtra, whereas people of that province find it hard to live. This statement cannot be construed as an attempt to excite hatred between classes. A class within the meaning of section 153-A of the Indian Penal Code and clause (h) of section 4(1) of the Indian Press (Emergency) Act must mean a well defined and readily ascertainable group having some element of permanence and stability and sufficiently numerous and widespread to be designated a class i.e. Europeans and Indian, Hindus and Mohammedans, Kisans and Jamindars, Land-Owners, workers and mill owners (See Ratanlal's law of Crimes, ~~maxima~~ pp.362-63). It is difficult to treat "outsiders" or "foreigners" as a class within the meaning of these provisions. Consequently the article would not come within the purview of section 153-A of the Indian Penal Code and clause (h) of section 4(1) of the Indian Press (Emergency Powers) Act.

Sd/ P.H. Lad.
Remembrancer of Legal Affairs.

U.R. to H.D. (P₀11) No. 9033 dated the 23rd September 1948.

E.K.N. 2/6/56

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No. 41 of 1948.

ADVOCATE GENERAL'S CHAMBERS,

HIGH COURT,
Bombay, 20th September 1948.U.R. to H.D. No.7894 dated the 18th August 1948.O P I N I O N.

The principle applicable to such an article is laid down in Full-Bench Decision reported in (1931) 12, Lahore, 545.

"It is a well recognised principle that the Court should, in every case, consider the book or newspaper written as a whole and in fair, free, and liberal spirit, not dwelling too much upon isolated passages or upon a strong word here and there which may be qualified by the context, but endeavouring to gather the general effect which the whole composition would have on the mind of the public. Per Lord Kenyon C.J, in R.Vs. Reeves (1796) 26, How St.Tr.592."

It is also true that even a single sentence, if abnoxious to section 4(1) would entail forfeiture of the security, and it is not open to the Court to apportion punishment or to reduce the penalty on any other ground.

What is material in such cases is not the intention of the writer but the effect of the words used by the writer.

In case in re-Anand Bazaar Patrika reported in 60, Calcutta, page 408, Mr Justice Ghose at page 419 observed as follows:-

"I am free to admit that if it were open to me to take into consideration the intention of the writer and to come to a conclusion one way or the other as would have been the case if a prosecution had been launched under section 124A, Indian Penal Code, I should have had great difficulty in finding the writer guilty. But the position here is different. The intention of the writer is a thing which we are not entitled to take into account we are concerned with the effect of the words used by the writer."

At, page 420, the remarks made by the learned Judge show that if the words used are such a may be considered to impute unworthy or dishonest motive to a Government, the same would be

calculated to bring Government into hatred or contempt or excite disaffection towards Government.

In another case in re-Anand Bazaar Patrika decided by a special Bench of the Calcutta High Court and reported in 61, Cal. at page 827, it is held that an article in which words are used which impute to Government established by law into British India a base motive is hit by Section 4(1) of the Indian Press (Emergency Powers) Act, of 1931. It is very difficult to say that if Government acts from any improper motive it is not acting from a base motive.

A special Bench of the Bombay High Court has also laid down in the case of re; Pothan Joseph reported in 34, Bom.L.R. at page 917.

"Where the general tendency of articles published in a newspaper is not to criticise the policy of the Government of India promulgating the Ordinance or the legitimate operation of the Ordinances by the Local Government but to assert that the Local Government is deliberately abusing and misusing the powers conferred upon it by the Ordinances and to appeal to it to cease from so doing, the articles tend to bring -- Government into hatred and contempt under section 4(1) (d) of the Indian Press Act. It is immaterial even if the facts stated in the articles are true.

"The effect of the Ordinance is to bring within Section 4 of the Indian Press Act every charge of misconduct by Government whether such charge is well founded or not. The words of the Act go beyond Section 124A of the Indian Penal Code and cover the tendency of an article and not merely the creation of hatred or contempt or an attempt to create such feelings with which the Code deals. The assertion in the articles that Government is deliberately abusing the powers vested in it must tend to cause hatred or contempt against Government in the minds of those who read the articles."

Thus, no doubt, it is true that the article has to be read as a whole in a free fair and liberal spirit and too much

~~emphasis~~ emphasis should not be laid upon isolated passages and that due allowance is to ~~be~~ be made for the exaggerated language of popular

journalism. However, applying the aforesaid tests to the article in question I find that, in particular, the portion marked "A" in blue pencil is objectionable in as much as it is likely to incite the feelings of hatred or contempt towards Government.

Sd/- M.P.Amin.
Advocate General.

B.K.H. 2/6/5

Office of the R.L.A.

The article under the caption "Portuguese Government may remove historic relic from Goa" appearing in the issue of Elitz six-week special dated the 14th September 1948, in my opinion, contains nothing which is calculated to wound the susceptibilities of the Roman Catholics. It would be rather far-fetched to read into this article a subtle effect to ridicule upon St. Francis Xavier. The burden of the article, on the other hand, is that the Portuguese are making preparations to leave Goa and to take with them the sacrophages of St. Francis Xavier. The article cannot, therefore, be said to have any tendency directly or indirectly to promote feelings of enmity or hatred between different classes of His Majesty's subjects and would not be actionable either under section 153 A of the Indian ~~Emergency Provisions Act~~ Penal Code or clause (b) of section 4(1) of the Indian Press (Emergency Powers) Act. Merely by reason of this article it would be unsafe to hold that action against this newspaper is necessary for the purpose of preventing activities prejudicial to the public safety, etc., as required by section 9A of the Bombay Public Security Measures Act. On the whole, therefore, I find myself unable to advise any action against the newspaper in respect of this article.

Sd/- P.M. Lad.

Secretary of Legal Affairs.

U.R. to H.D. (Poll) No. 953 dated the 15th October '48.

B.K.N.1/6/56.

Office of the R.L.A.

Article published
in the issue of
'AngloLusitano'
dated 18-9-1948.

Explanations 2 &
3 to section 4(1)
of the Indian Press
(Emergency Powers)
Act.

The question raised for the consideration of the R.L.A. is whether the article published in the issue of 'Anglo Lusitano' dated 18-9-1948 under the heading "Invasion of Hyderabad Causes uneasiness in Goa. Ten Thousand European Troops in Readiness. Warlike Spirit of Indians deplored". is actionable under clause (d) of sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931, inasmuch as it attempts to bring Government into hatred and contempt in the eyes of Goans who have settled in India.

2. It is true that in the article an attempt has been made to criticise the policy of the Dominion Government towards Hyderabad on the ground that the invasion of Hyderabad as stated by Mr. Bevin means India's development of warlike spirit. It is further stated that this invasion of Hyderabad has made the authorities of Goa Government very apprehensive inasmuch as they fear that after Hyderabad capitulates Government of India would turn its attention towards Goa and consequently the Portugal Government has sent 10,000 European soldiers to defend Goa against any such foreign incursions. The article concludes with a warning that if Government of India employs force to bring the French or the Portugal colonies into the Indian Union, world opinion would be confirmed in the belief that India has developed the spirit of imperialism and that she would stop at nothing to achieve her ideal of a United India. This article read as a whole criticises the policy of the Central Government towards Hyderabad and other foreign possessions in India. Even assuming that this article tends to bring into hatred or contempt the Government establishment by law in the Indian Dominion

B.K.N. 2/6/56

inasmuch.....

inasmuch as it has developed the spirit of imperialism and aggressiveness, it would be saved by Explanations 2 and 3 to section 4(1) of the Indian Press (Emergency Powers) Act.

Sd/- P.M. Lad.
Remembrancer of Legal Affairs.

U.R. to H.D.(Poll). No. 10208, dated the 7th October 1948.

E.K.N.2/5/56

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Office of the H.L.A.

The pamphlet under the heading "Telanganachya Lokrajyanta" published by the Hindu Communist Party contains an account of how the peasants of Telangana in Hyderabad State organised themselves and stood up against the autocratic rule of Nizam and retaliated against the monstrous and brutal atrocities committed on the poor, helpless and illiterate peasants -- women and children-- by the Nizam's Police, Army and goondas and fought against the feudalism. In the course of their narration certain incidents which happened during the fight between the peasants and the Police and Army have been described, one of which is the raid of the village by the Nizam's Police, which was successively resisted by the villagers. In this raid one of the Police fell into the hands of the villagers and they were put up for trial before the village tribunal on whose unanimous decision and demand the Police were shot dead. The pamphlet goes on to state how the Deshmukhs and big Zamindars of Telangana were forced to leave home and seek shelter elsewhere, whereupon their lands have been distributed amongst the villagers. It is stated that these villagers have been organising themselves as was or is being done in other countries in the world to establish the rule of justice giving rise to a new kind of life to the people. The pamphlet contains an allegation about the hostility of the Congress towards the peasants' movement in Telangana and that the peasants do not get arms and ammunition to fight against the Nizam's Police and Army. It is also alleged that the accession of Nizam would not give the peasants their freedom and lands and that even if the Central Government sends Army to Hyderabad that would be merely to force the hands of the Nizam to agree to the succession and not to give freedom to the peasants. The pamphlet ends with an earnest appeal to the peasants to

organise themselves and to be prepared for a fight to the finish.

The object of the pamphlet is to exhort the readers to support the fight carried on by the people of Telangana and to oppose the conciliatory policy adopted by the Congress towards the Nizam. For that purpose, the pamphlet naturally expresses approval or admiration of the stand taken by the Telangana peasants against the oppressive rule of the Nizam, his Police and the feudal landlords- It is difficult to say that in doing so that pamphlet expresses approval or admiration of the offence of murder or of any cognisable offence ~~involving~~ ^{involving} violence inasmuch as it contains a narrative of events which are happening outside the Dominion and from that point of view the narrative is of the same character as of events which have happened or which are happening in other countries in similar organised campaigns of resistance. There is nothing in the pamphlet which calls upon the people of the Indian Dominion to follow the example of the Telangana peasants, although the limitation of that example may seem to be the object of distributing the pamphlet among the Warlis of Thana District. On the whole, the pamphlet would not, therefore, fall within the scope of clause (b) of section 4(1) of the Indian Press (Emergency Powers) Act, 1931.

Sd/- P.M. Lad.

Remembrancer of Legal Affairs.

U.R. to H.D. (Poll) No.641-Confl.datd 26th November 1948.

U.R.N.2/6/56

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